

REMARKS

This paper responds to the Office Action dated September 6, 2006. A diligent effort has been made to respond to the objections and rejections set forth therein, and reconsideration is respectfully requested.

Applicants traverse the rejections under 35 USC 103(a) over Vasudevan (US 2004/0192282) in view of Hannsson (US 6,023,620). Independent claims 1 and 48, as now amended, clearly distinguish from these references because the references do not teach the steps of allocating a “minimum amount of available memory in the mobile device memory” for storing update data and then storing both the update data and the baseline mobile device configuration data in the same mobile device memory.

The Office Action admits that Vasudevan does not teach these steps, at page 4, but then states that the steps are disclosed by Hannsson, referring to column 2, lines 19-23, 30-32 and 39-40, and column 3, lines 1-4 and 16-21. Hannsson, however, does not disclose the concept of storing the baseline configuration and the update data in the same memory after the minimum amount of available memory has been made available to store the update data. Instead, Hannsson discloses two completely separate memory stores. (See, FIG. 1 of Hannsson, items 130 “Memory 1” and item 150 “Memory 2;” and also column 1, lines 44-47: “The cellular telephone includes two memories for storing software with a first memory storing the current software and the second memory available for downloading a new version of the software.”)

In Hannsson, the first memory 130 is reserved for the current software and the second, separate memory 150 is reserved for the new version. The technique described in Hannsson is wasteful of memory resources because it requires two separate memories, one of which is always unusable because it is reserved for a version of the software that is not currently operating. The

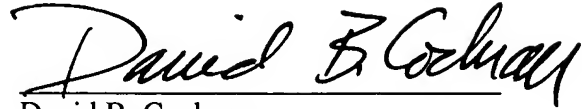
invention described by claims 1 and 48, by distinction, is much more advanced than Hannsson's technique, and provides much better memory utilization by first allocating from the mobile device memory the minimum amount of memory required for the update data, and then storing the update data in the same memory as the baseline configuration. After a user selects the baseline or update data, the memory in which the unselected configuration is stored is then de-allocated and made available for data or other applications.

Applicants further maintain that the person of ordinary skill in the art would not be motivated to combine Hannsson's "two-memory" device with Vasudevan in order to arrive at the claimed invention. In fact, Hannsson teaches away from the combination by requiring two separate memories, one for the current version and one for the new version. The combination of Hannsson and Vasudevan would result in a device having two memories, one of which is reserved for new versions of software, and in which the device may request additional resources from other locations. The combination would not result in a device capable of carrying out the method of claim 1 in which a single memory is checked for available space to store an update, and then subsequently the update is received and stored in the same memory as the baseline configuration.

For all of the reasons noted herein, applicants maintain that claims 1 and 48, and the claims that depend there from, are distinguishable from Vasudevan in view of Hannsson and therefore respectfully request withdrawal of the 103 rejections.

Respectfully submitted,

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A handwritten signature in black ink, reading "David B. Cochran". The signature is written in a cursive style with a horizontal line underneath the name.

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